

DEFENDANT'S MOTION IN LIMINE NUMBER 11

EXHIBIT 1: Deposition of M.P. Stirling

FREEDOM COURT REPORTING

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HAZEL M. ROBY, as Administratrix of the
Estate of RONALD TYRONE ROBY, Deceased,
Plaintiff,

COPY

vs. CIVIL ACTION NO.: 2:05CV194-T

BENTON EXPRESS, INC., et al.,
Defendants.

* * * * *

DEPOSITION OF MARY P. STIRLING, taken
pursuant to notice and stipulation on behalf
of the Defendants, at the law offices of
Beasley, Allen, Crow, Methvin, Portis &
Miles, Montgomery, Alabama, before Bridgette
Mitchell, Shorthand Reporter and Notary
Public in and for the State of Alabama at
Large, on December 13, 2005, commencing at
5:55 p.m.

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1 by Mr. Boone's office today?

2 A. Yes.

3 Q. Does the fact that there were other
4 motorists calling in about Mr. Stephens'
5 driving prior to this accident, does that
6 have anything to do with your opinions in
7 this case?

8 A. Don't think I used that for any of my
9 analysis, no.

10 Q. Have you ever encountered a case in your
11 experience where just because someone was
12 driving badly ten miles down the road, they
13 weren't necessarily at fault in an accident
14 later on?

15 A. I'm sure I have.

16 Q. Can you remember any specific cases?

17 A. I can't.

18 Q. I guess the point of my question is, ma'am,
19 that if someone swerves ten miles before an
20 accident, does that mean that they're
21 necessarily going to get in an accident --

22 A. No.

23 Q. -- later on down the road?

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1 A. No.

2 Q. Does that necessarily mean that if they do
3 get in an accident, that it's going to be
4 their fault when they get in an accident ten
5 miles down the road?

6 A. No.

7 Q. And what you have to do as an accident
8 reconstructionist is look at the evidence of
9 the actual accident; is that correct?

10 A. Yes.

11 Q. And what happened in the immediate time and
12 distance around the accident; is that
13 correct?

14 A. Yes.

15 Q. And the next folder I have here,
16 Ms. Stirling, I will mark as Defendants'
17 Exhibit 9.

18 (Defendants' Exhibit 9 was
19 marked for identification.)

20 Q. Would you please state what this folder is?

21 A. City engineer's photos.

22 Q. And did you get those from a city engineer
23 directly or were they provided to you by